



ENVIRONMENTAL & REGULATORY SERVICES DIVISION
BUREAU OF PECFA
9316 North 107TH Street
Milwaukee, Wisconsin 53224-1121
TTY: Contact Through Relay

Jim Doyle, Governor
Richard J. Leinenkugel, Secretary

Wisconsin Department of Commerce, Bureau of PECFA Bid Document

SECTION 1 - Scope of Work

The Bureau of PECFA is seeking competitive bids to perform remedial services for a petroleum release from a regulated petroleum product storage tank system. This bid is for a specified work scope. The site upon which bids are being solicited is:

Bid Round: 61
Commerce #: 53119-9999-14-A
BRRTS #: 03-68-196496
Site Name: The Kettle
Site Address: 214 Grove Street, Eagle, 53119
Site Manager: Nancy Ryan
Address: 1155 Pilgrim Road
City, State Zip: Plymouth, WI 53073-4294
Phone: (920) 892-8756
e-mail: Nancy.Ryan@Wisconsin.gov
Bid Manager: Stephen D. Mueller
Address: 9316 North 107th Street
City, State Zip: Milwaukee, WI 53224-1121
Phone: (414) 357-4704
e-mail: Stephen.Mueller@Wisconsin.gov

Bid-Start Date:	June 22, 2009
Questions must be received by (See Section 2 (B)):	July 6, 2009, 4:00 PM
Responses will be posted by (See Section 2 (B)):	July 24, 2009
Bid-End Date and Time:	August 7, 2009, 4:00 PM

Excerpts of report(s) and other pertinent information are included with this bid as a separate Adobe® pdf-formatted document for viewing and downloading. No copy shop is being used for purchase of hard copies of this information.

The case file that includes all reports submitted to date and upon which bids are being sought is available for review at the Site Manager's office location listed above. Please contact the Site Manager for an appointment to review the file.

SECTION 2 – Site-Specific Bid Requirements

General Comments

The Kettle gas station is an active station located in the Village of Eagle, Waukesha County, on a small parcel approximately 9,900 square feet in size. The property has operated as a gas station since at least 1980 and currently contains three 6,000- to 10,000-gallon unleaded gasoline underground storage tanks (UST) that were upgraded in 1998. Several smaller tanks and two pumps were reportedly removed prior to installation of the current USTs; apparently the tanks were observed to have holes.

Historically, groundwater monitoring wells have exhibited light non-aqueous phase liquid (LNAPL), characterized as gasoline, beneath much of the site, although LNAPL has been most consistently encountered in wells on the western portion of the site. LNAPL thickness averages between 2 and 22 inches in wells MW-2, MW-4, MW-8, MW-9, RW-1 and RW-2 (see site map), with MW-4 consistently exhibiting the greatest thickness.

Site geology consists predominantly of sand and gravel to a depth of approximately 25-30 feet below ground surface (bgs) at most locations, underlain by silty sands to the maximum boring depth of around 50 feet bgs. Discontinuous clay and fill overlie the sand and gravel unit beneath the station property, but appear to be absent under the highway and properties to the west. Depth to groundwater or the groundwater-LNAPL interface is approximately 30-35 feet bgs and groundwater flow is southwestward. Estimated hydraulic conductivity of the silty sand unit ranges from 4.3×10^{-6} to 1.9×10^{-5} cm/s, based on baildown tests, and ranges from 2.2×10^{-2} to 2.5×10^{-1} cm/s for the sand and gravel unit, based on grain-size distribution. Depth to bedrock is approximately 75 feet.

To date, the following information has been collected and activities conducted to evaluate remedial options for the site:

- Soil samples for grain-size analysis were collected from the apparent smear zone (28-35 feet bgs) at boring locations MW-2, -3, -4, -6, and -7.
- An LNAPL sample was collected from MW-4 for laboratory analysis of fluid physical properties (density, viscosity, and interfacial/surface tension). A chromatogram was also provided.
- Two 4-inch diameter recovery wells, screened 28-45 feet bgs, were installed and a vapor- and liquid-phase vacuum extraction pilot test was conducted.

LNAPL recovery was conducted on a roughly weekly to bi-weekly basis from wells MW-2, -4, -8 and -9, and RW-1 and -2 for 6 months, and LNAPL thickness and groundwater elevation data were collected.

Minimum Remedial Requirements

Through this bid, the DNR and Commerce will establish costs for the development of a remedial action options report (RAOR) as specified in NR 722.13. The RAOR must include a comparison of at least three potentially viable, remedial options that are to be chosen based on the criteria outlined in NR 722.07(4) and designed to address the LNAPL in the source area. Each of the three remedial action options explored must utilize active remediation techniques (e.g., skimming, pumping, vacuum extraction, in-situ destruction, etc.) and should combine multiple remedial technologies if/when appropriate. Intermittent LNAPL-recovery visits to the site (i.e., hand-bailing, vac-truck events, etc.) will not be considered viable options.

The RAOR must include a detailed comparison of the three remedial action options considered, and must include a breakdown and discussion of all benefits, tasks and costs associated with implementation and operation of each of the options for a period of one year. The RAOR must provide enough description and detail for each remedial action option for the DNR site manager and Commerce bid manager to evaluate the cost effectiveness and determine the likelihood of success of the remedial actions.

The RAOR will also include a discussion and cost breakdown for all additional data collection needs and/or a pilot test(s), if necessary to determine the technical feasibility and design of the proposed remedial technology[ies]. The RAOR must be submitted within four months of the selected consultant signing a contract.

The winning consultant must commit to conducting a thorough case file review. The contracted consultant will be required to attend a meeting with the DNR site manager and Commerce bid manager to discuss the feasibility of various remedial options that will be included in the RAOR.

Bidding consulting firms must provide a professional biography for each company personnel who will be preparing and/or supervising the preparation of the RAOR and has experience designing, implementing and operating remediation systems at sites with characteristics (i.e., depth to water/LNAPL, aquifer heterogeneity, site layout, etc.) similar to The Kettle gas station (include a list of at least three similar remediation sites and associated BRRTS numbers for reference). A compliant bid must include the name and license number of the credentialed professional(s) who will be overseeing the preparation and signing of the RAOR (PE required under 712.07(2) and (3)). Failure to provide this information will result in a non-compliant bid. Consulting firms that are not proficient at designing and operating remedial systems should not bid on this scope of work.

During the four-month RAOR preparation period, conduct one round of groundwater sampling from the monitoring well network. Groundwater samples will be collected from 12 monitoring wells (MW-2, -4, -4P, -5 through -12, and -14) and laboratory analyzed for petroleum volatile organic compounds (PVOCs) and naphthalene. Groundwater will be sampled from wells in which LNAPL is present, unless the product cannot be adequately removed and/or a representative groundwater sample collected. The sampling event will include measuring groundwater and LNAPL elevations in all site wells before, and regardless of whether or not, the wells are sampled, and preparation of a groundwater flow map that has been corrected for the presence of product in wells.

As part of the RAOR, assume that the above-described monitoring wells will be sampled for the equivalent parameters on a semi-annual basis during implementation and 1st-year operation of the active remediation system.

Following completion of the remedial action options evaluation, submit the RAOR to the DNR and Commerce. In addition to the information on remedial action options specified above, this document shall include the well sampling data and water table map.

Miscellaneous tasks

Properly dispose of all sampling wastes generated from all activities conducted under this bid scope, and provide all waste disposal documentation. Wastewater disposal should be completed after each sampling event.

Complete web reporting requirements (see <http://commerce.wi.gov/ER/ER-PECFA-SiteReporting.html>) and prepare a PECFA claim for the bid scope of work completed.

Regarding the 2nd Page of the Bid Response:

If necessary, subsequent cost caps may be determined using page 2 following the successful completion of the activities under the initial cost cap. Approval shall be obtained through a request to Commerce for a change order. The request shall include total costs incurred to date under the existing cap. The subsequent cost cap amount may be adjusted up (or down) based on the outcome of the specified work activities.

To save costs, only portions of the case file are available on the bid web-site. The web-site documents are intended to provide bidders with basic information for the purpose of making a preliminary assessment of site conditions and identification of possible viable remediation technologies. The entire case file is available for review at the DNR Milwaukee office.

SECTION 3 - Reporting Timeframes

Within *60 days* of the Commerce notification of the maximum reimbursement amount, the responsible party (RP) must execute a written contract with one of the firms that submitted a bid. Failure to execute the written contract within this time will result in ineligibility of interest expenses incurred from the date of the reimbursement cap letter until a contract is executed and work commences at the site. Work must commence within *45 days* of signing a contract. There are specific reporting requirements in Comm 47.70 to monitor the progress of activities at each bid site and there may be additional reporting requirements outlined above. The consulting firm that is contracted to complete the scope of work is required to report the progress of this site to Commerce electronically on the web site at each of the following points:

1. Within fourteen days of executing or terminating a contract with the RP.
2. Three months after entering into the contract with the RP.
3. Twelve months after beginning the work in the successful bid, unless the project is completed before that time (point 6 applies).
4. Twelve months after submitting the previous report (point 3), unless the project is completed before that time (point 6 applies).
5. No later than 10 days after encountering a change in circumstances (the list of circumstances is in Comm 47.70 (3)).
6. No later than 30 days after completing the work.
7. As directed by Commerce.

If Commerce determines that the consulting firm is failing to make adequate progress to complete the scope of work, Commerce will notify the RP and may reduce the reimbursement to accurately reflect the work completed.

Claim Submittal

A claim must be submitted to Commerce within 120 days of submitting the report described in *Reporting Timeframe, point #6*. If a claim is not submitted by the deadline described above, interest costs from the date the report (point #6) is submitted to the date the claim is received will not be reimbursed to the claimant. The claim preparation cost must be included in the Total Bid Amount and is considered within the reimbursement cap.

Questions and Answers

Questions, answers and interpretations will be considered an amendment of this solicitation. All questions must be submitted in writing (fax and electronic mail submittals are acceptable) to the Bid Manager identified in Section 1 of this solicitation. All answers and interpretations shall be in writing from the Bid Manager. Neither the PECFA program nor Commerce shall be legally bound by any amendments or interpretations that are not in writing. Bidders are not to contact other personnel located within the Department of Commerce/Bureau of PECFA concerning the site or the bid solicitation between the Bid Announcement Date and Bid End Date. No further questions will be addressed after the deadline for submitting questions identified in Section 1.

SECTION 4 - Conditions of Bid

The successful bidder will be the entity that complies with all provisions of the bid and provides the lowest total cost, excluding interest, for the site-specific bid requirements described in Section 2. In preparing the bid, the bidder must assume compliance with all applicable codes, including, but not limited to, §Comm 46, §Comm 47, and §NR 700 Wis. Admin. Codes.

The bid Commerce selects to determine the least costly method of remedial action will be the least costly qualified bid. Commerce will rank the bids solely on the basis of cost. Evaluation of bids will continue until the least costly qualified bid is identified. Submittals from an individual or firm during their period of disqualification from bidding, submittals received late and for submittals without a certified commitment (performance assurance and/or signature) will not be considered as bids. Commerce may disqualify a bid for the following reasons:

- Requirements of the bid specifications have not been met.
- The remedial strategy is not appropriate to the geologic setting.
- A Total Bid Amount is insufficient to fund the activities described in the bid specifications.

Commerce reserves the right to reject any and all bids.

Any proposed technology or methods used in the remediation must be allowed for use in the State of Wisconsin and approvable by the agency with jurisdiction (Natural Resources or Commerce).

The bidder Commerce intends to select may be required to provide input to and attend a meeting with the PECFA program and the claimant to explain the bid and remedial approach.

If a bid is disqualified, Commerce will provide written notification to any individual or firm that submitted a disqualified bid. The notification shall specify the reasons for the disqualification, and inform the individual or firm of their right to protest or appeal the decision. If a bid is more costly than the bid Commerce intends to select, the bid will not be reviewed.

The *Notice of Intent* will identify the least costly bid, disqualified bid(s) and bid(s) not reviewed. The *Notice of Intent* will be sent to the RP and will be posted on PECFA's Internet Web site.

SECTION 5 - Instructions to Bidders

Between the bid start and end dates, bidders shall not discuss or attempt to negotiate any aspects of the bid with the RP, other potential bidders or program staff without prior approval of the Bid Manager identified in Section 1. Infractions will result in rejection of the violator's bid and may result in a formal complaint being filed with the Department of Regulation and Licensing.

If access to the site is necessary for the preparation of a bid, access shall be arranged through the Bid Manager. If the Bid Manager is not able to arrange site access, this will not delay the bid process nor negate the comparison and selection from among the bids submitted. All costs associated with a site visit or preparation of a bid will be the bidder's responsibility.

The Bidding Process must conform to the following:

1. The Bid Response shall address all the site-specific bid requirements identified in Section 2.
2. The total bid amount to accomplish the stated goal must include all fees, reporting costs, pre- and post-closure costs and costs for establishing restrictions or institutional controls, when applicable (interest costs are excluded).
3. The submittal must include a copy of the Bid Response document signed by a Professional Engineer, Professional Geologist, Hydrologist or Soil Scientist licensed by the State of Wisconsin. The appropriate registration number of the professional license must be included. Registration requirements are listed in Comm 5.
4. Bids *cannot* be faxed or sent electronically (email) to the program. Documents received by fax or email will not be considered.
5. Bids, amendments thereto or withdrawal requests must be received by 4 pm on the bid end date.
6. The consulting firm's name must be included and all pages of the Bid Response.
7. All costs must be printed (ink, typewritten or computer). Errors must be crossed out, corrections entered and initialed by the person signing the bid. Correction fluid is not allowed. No bid shall be altered or amended after the time specified for the bid end date.
8. Each bidder shall fully acquaint themselves with conditions relating to the scope and restrictions attending to the execution of the work under the conditions of this bid. The failure of a bidder to acquaint themselves with existing documented conditions shall in no way relieve any obligation with respect to this bid.
9. All amendments to and interpretations of this bid shall be in writing from the Bid Manager. Neither Commerce nor the program shall be legally bound by any amendment or interpretation that is not in writing.
10. This bid is intended to promote competition. If the language, specifications, terms and conditions, or any combination thereof restricts or limits the requirements in this bid to a single source, it shall be the responsibility of the interested bidders to notify the program in writing so as to be received five days prior to the opening date. The bid may or may not be changed; however a review of such notification will be made prior to award.

SECTION 6 - Bidder Disqualification

Commerce may disqualify from public bidding any individual or firm that has committed any of the following (Comm 47.67 (1) (a)):

1. Failed to complete the scope of work within the reimbursement cost cap established through public bidding.
2. Failed to complete the scope of work in a bid in a timely manner.
3. Failed to follow DNR rules on the bid project.
4. Received one or more notices from Commerce under s. Comm 47.62 (2) that assess the financial management of an investigation as unacceptable.
5. In any prior occurrence that has been publicly bid, failed to do either of the following:
 - a. Pay subcontractors after receiving payment for them.
 - b. Obtain lien waivers on or before the date of the final payment by the RP or the PECFA program, from all subcontractors paid under subd. 5. a.
6. Failed to execute a contract with the RP as required in s. Comm 47.69 (1).
7. Failed to commence work within 45 days after executing a contract, as required in s. Comm 47.69 (3).

Commerce may disqualify any individual or firm from performing further work on a project if the individual or firm has not completed any of the six reporting points required in Comm 47.70 and outlined in Section 2 of this bid document. Commerce will review and address the issue as stated in Comm 47.70 (4).

BID RESPONSE – BID ROUND 61

(1st Page)

Department of Commerce PECFA Program

Site Name: The Kettle

Commerce #: 53119-9999-14-A

BRRTS #: 03-68-196496

Submit Bid Response To: Cathy Voges
Public Bid Response
Department of Commerce PECFA Bureau
201 W Washington Ave, Madison WI 53703-2760 or
PO Box 8044, Madison WI 53708-8044

Consulting Firm Name: _____

Complete Mailing _____

Address: _____

Telephone: () - _____

Fax Number: () - _____

E-mail Address: _____

Bidder (check one that applies):

<input type="checkbox"/>	Professional Engineer	License #	_____
<input type="checkbox"/>	Professional Geologist	License #	_____
<input type="checkbox"/>	Hydrologist	License #	_____
<input type="checkbox"/>	Soil Scientist	License #	_____

Total Bid Amount: \$ _____

Print Name: _____

Title: _____

I certify that I have the authority to commit my organization or firm to the performance of the bid I have submitted.

Signature: _____

Personal information you provide may be used for secondary purposes [Privacy Law, s. 15.04(1)(m)].

BID RESPONSE

(2nd Page)

Department of Commerce PECFA Program

SITE NAME: The Kettle

COMMERCE #: 53119-9999-14-A

BRRTS #: 03-68-196496

Consulting Firm Name: _____

A bid will be considered non-compliant if the bid response does not include a separate tabulation of costs for each activity.

1	Preliminary RAOR evaluation, including case file review and meeting with the DNR and Commerce	\$	
2	RAOR development	\$	
3	MW groundwater sampling – one round at 12 wells	\$	
4	Disposal of well sampling purge water	\$	
5	Report on all (RAOR, groundwater monitoring report, electronic/web-reporting)	\$	
6	PECFA Claim Preparation	\$	
	Total Bid Amount	\$	

Bidding consultants must provide a professional biography for each company personnel who will be preparing and/or supervising the preparation of the RAOR and has experience designing, implementing and operating remediation systems at sites with characteristics (i.e., depth to water/LNAPL, aquifer stratigraphy/heterogeneity, site layout, etc.) similar to The Kettle (include a list of at least three sites and associated BRRTS numbers for reference). Bidding consultants must provide the name and license number of the credentialed professional(s) who will be overseeing the preparation of and signing the RAOR. Attach additional pages if necessary. *The Commerce Number and Consulting Firm name must be included on all additional pages.* The pages of each Bid Response must be *stapled together*. No paper clips or spiral bindings please.